

REMARKS

Claims 1-7 are pending in the application.

Claim Rejections Under 35 USC § 102

Claims 1-7 are rejected under 35 USC §102(e) as being anticipated by Wang et al. (USP 6,489,168 B1).

Wang fails to disclose the claimed features of causing the display device to display the vessels described in a selected protocol line on a screen. These features are supported by way of an example as shown in Figure 1 and explained in associated written description. As shown in Figure 1, the display device 4 indeed displays the vessels 41 described in a selected protocol line on screen 42. These features are not disclosed in Wang et al. Therefore, the claimed invention is not disclosed by Wang et al.

In the interest of advancing the prosecution of this application, independent claims 1, 6 and 7 have been further amended to recite “wherein the protocols include one of a reagent type and an operation type”. These added features are shown by way of an example in Figure 1 of the present invention, wherein a reagent type such as 1A and 2A are shown in the protocol display screen 42. An operation type such as either suction or injection is also shown in the protocol display screen 42.

It is well settled that:

“A claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference.” *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1567, 7 USPQ2d 1057 (Fed. Cir. 1988).”

Claims 1-3 and 6 are rejected under 35 USC §102(b) as being anticipated by Babson et al. (USP 5,316,726).

Independent claims 1 and 6 positively recite “a selection means for selecting one or more vessels among the vessels displayed on a screen of the display device, wherein said display device displays protocols stored in storage means causing the display device to display the vessels described in a selected protocol line on the screen.”

These features are shown by way of an example in Figure 1, where there is indeed disclosed a selection means 10 for selecting one or more vessels 22 among the vessels displayed on a screen 41 of the display device 4, wherein said display device 4 displays protocols stored in a storage means causing the display device 4 to display the vessels described in a selected protocol line on the screen 41.

In contradistinction, in Babson, the feature of a selection means for selecting one or more vessels among the vessels to be displayed on a screen of the display device does not exist. For example, in column 11, lines 34 to 41, it is stated that:

“the number and type of immunoassays to be performed on any one sample depends on the number and type of assay tubes selected by the technician. For example, sample #29 only has two tests being performed (e.g., T4 and hCG.) while sample #260 has three tests being performed (e.g., T-U, TSH, and hCG). Third, the immunoassays need not be performed one right after another.”

This is specifically referring to the fact that the operator can select the number and type of immunoassays to be performed. This is not the same as selecting one or more vessels among the vessels to be displayed on a screen of the display device. Through the written specification of Babson, the word select or a variation of this word has been used numerous times. However, each

time, it is used in the context of selecting tests, elements or biomaterials to be used, not selecting vessels to be displayed. Therefore, the Office indicated selection means 44 and 71 are not meant for selecting vessels to be displayed.

In the response to argument section of the final Office action, the Office has made a number of assertions refuting the Applicant's contention that Babson fails to disclose or teach a selection means for selecting. However, the Office fails to identify in Babson any selection means for selecting vessels to be displayed.

Given that Babson fails to disclose or teach a selection means for selecting one or more vessels among the vessels displayed on a screen of the display device, naturally, there is also no disclosure or teaching of said display device displaying protocols stored in a storage means causing the display device to display the vessels described in a selected protocol line on the screen.

Therefore, the claimed invention is not anticipated by Babson. In the interest of advancing the prosecution of this application, independent claims 1 and 6 have been amended to recite "wherein the protocols include one of a reagent type and an operation type". These features are not disclosed in Babson. By so amending, independent claims 1 and 6 are further patentably distinguished over Babson. All claims depending thereon are also further patentably distinguished over Babson.

Reconsideration and withdrawal of this rejection are respectfully requested.

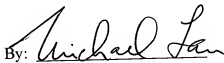
CONCLUSION

In view of the aforementioned amendments and accompanying remarks, all pending claims are believed to be in condition for allowance, which action, at an early date, is requested.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

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